

II. Remarks

Reconsideration and allowance of the subject application are respectfully requested.

Claim Status

Claims 34-65 and 67-76 are pending in the application.

Claims 34, 44, 60, 65 are independent.

Claims 1-33 and 66 have been cancelled.

Applicant has added new Claims 71-76 to afford himself a scope of protection commensurate with the disclosure. The new claims are fully supported in the specification and Drawings, and are believed to be allowable over the art of record for the reasons to be developed below.

Claim Rejections – 35 U.S.C. §102

Claims 34-38, 42-54, 57, 58, 70/44-70/54, 70/57 and 70/58 were rejected under 35 U.S.C. §102(e) as being anticipated by Neter, et al. (6,737,007). In accordance with MPEP 201.15, Applicant submits herewith a verified English translation of his priority document. Since Applicant's priority document was filed April 10, 2002, and Neter was filed September 19, 2002, Applicant respectfully submits that Neter has been removed as a reference with respect to the subject application. Accordingly, this rejection is rendered moot.

Claims 44-48, 55 and 57 were rejected under 35 U.S.C. §102(b) as being anticipated by Terauchi, et al. (5,217,729). Applicant submits that Terauchi does not describe or suggest at least the following elements of Claim 44:

“an insert having a surface defining a cavity that is configured to substantially correspond to the length of an external portion of the preform received therein”.

The foregoing structural distinction is supported in the as-filed description with reference to Figures 1 and 2.

In contrast, Terauchi discloses providing plugged flat cocks made of sintered metal through the wall of the lower end of a concave portion of a cavity (col. 3, lines 19-24). Reference to Figures 3 and 5, clearly illustrates that the plugged cocks do not substantially correspond to the length of the parison.

Applicant therefore submits that Claim 44 is patentable over Terauchi. Reconsideration is respectfully requested.

Claims 65, 69, 70/65, and 70/69 are rejected under 35 U.S.C. §102(b) as being as being anticipated by Oueslati, et al. (6,332,770). The Examiner kindly indicated that Claims 66-68 contain allowable subject matter. Therefore, while specifically traversing the art rejections, and preserving Applicant’s right to file a continuation application to pursue the broad but patentable claims, Applicant has incorporated subject matter from the allowable dependent Claim 66 into the independent Claim 65 solely to secure immediate allowance thereof.

Claim Rejections – 35 U.S.C. §103

Claim 40 was rejected under U.S.C. §103(a) as being unpatentable over Neter, et al. in view of Larsson (5,460,761). Applicant submits that Neter is no longer a proper reference against the subject application, as explained hereinbefore. Accordingly, this rejection is rendered moot.

Applicant therefore submits that Claim 40 is non-obvious. Reconsideration is respectfully requested.

Conclusion

Applicant believes that the salient claimed features of the present invention are nowhere disclosed and/or taught by the cited art, whether that art is taken individually or in combination.

In view of the above , it is believed that this application is now in condition for allowance, and a Notice thereof is respectfully requested.

Applicant's undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 625-3507. All correspondence should continue to be directed to our address given below.

Respectfully submitted,

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